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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HANNE, SARA M

ART UNIT PAPER NUMBER

2179

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/832,828	KAHAN ET AL.	
	Examiner	Art Unit	
	Sara M. Hanne	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 8, 10-23, 26-41, 43-55 and 57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 10-23, 26-41, 43-55 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/17/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment received on 9/13/2006. Claims 1-4, 7, 8, 10-23, 26-41, 43-55 and 57 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 7, 8, 11-17, 19-23, 26-29, 31-39, 41, 43-45, 47-49, 51-53, 55 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim, US Patent 6546002.

As in Claims 1, 14, 19, 34 and 47, Kim teaches transmitting from the server, a provisioning profile associated with the subscriber to an outside application executing on a data item computer (Fig. 3, 4 with corresponding text), receiving at the server, data items from a outside application executing on a data item computer (Col 9, lines 23 et seq.) including personalized information pushed to the subscriber where a portion of the received data items comprised personalized information pushed to the subscriber according to the provisioning profile associated with the subscriber (Fig. 3, 4 with corresponding text) arranging at the server, the received data items for display according to a plurality of subscriber-selected presentation rules (Col. 11, line 1 et seq.),

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wherein each data item is associated with a generic action menu or an application specific menu corresponding to the outside application executing on the data item computer (Col. 10, line 40 et seq.) and transmitting from the server, the arranged data items to the terminal of the subscriber (Col. 16, lines 12 et seq.).

As in Claims 2, 15 and 20, Kim teaches updating the provisioning profile based on a command received from the terminal (Fig. 7 and corresponding text)

As in Claims 3, 16, 22, 29 and 38, Kim further teaches updating the provisioning profile by transmitting this command to the control server to update a presentation rule with one of the data items with the wireless gateway and using a controller (Fig. 7 and corresponding text).

As in Claims 4, 23 and 39, Kim teaches the control server storing the updated provisioning profile in a subscriber database and further in reference to Claim 39, on the database server (Fig. 7, ref. 542-546 and corresponding text).

As in Claims 7, 26 and 43, Kim teaches the control server storing the received data items in a terminal subscriber's database (Fig. 3,4 and corresponding text) by the control server as in further reference to Claim 43.

As in Claims 8, 17, 27-28, 44-45 and 52-53, Kim teaches an application adapter translating the received data item to comply with the application interface contract if it does not already (Col. 8, line 36, et seq.).

As in Claim 11, Kim teaches the formatted data item to be transmitted to the receiving terminal, and furthermore by using a data communications protocol (Col. 8, line 36, et seq.).

As in Claim 12 and 32, Kim also teaches the terminal being a mobile terminal (ref. 1525).

As in Claim 13 and 33, Kim also teaches the terminal being a client terminal (ref. 1525).

As in Claims 21 and 37, Kim teaches the wireless gateway to receive a command from the terminal (cellular requires wireless connection).

As in Claim 31, Kim teaches the wireless gateway to transmit data items to the terminal (cellular requires wireless connection).

As in Claims 35 and 48, Kim teaches an operator platform for accessing the subscriber's profile (Fig. 3, 4 and corresponding text).

As in Claims 36 and 49, Kim teaches a wireless gateway connected to the web server (it is common to one of ordinary skill in the art for a web server to be connected to a wireless gateway as suggested in Col. 6, line 22 et seq.).

As in Claims 41 and 51, Kim teaches an IVR (Interactive voice response) server (Col. 6, line 46 et seq.).

As in Claims 55 and 57, Kim teaches a method and executable program for selecting at the terminal of the subscriber, a data item (Fig. 2 and corresponding text), wherein a portion of the data items comprise personalized information pushed to the subscriber by an outside application according to a provisioning profile associated with the subscriber and having been transmitted to the outside application (See Claim 1 rejection *supra*), editing, sending, and receiving the profile of the data item to the server (Fig. 7 and corresponding text), arranging the updated data items for presentation on

the terminal according to the profile and associating each data item with a generic action menu (See Claim 1 rejection *supra*).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 40 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim, US Patent 6546002.

As in Claims 40 and 50, Kim fails to explicitly teach a short message service center connected to the control server as recited in the claims. Within the field of the invention, it would be obvious to one of ordinary skill in the art to provide a SMS center with a cellular network. One would have been motivated to make such a combination because a communication system to cellular subscriber would have been obtained.

6. Claims 10, 18, 30, 46 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Kim, US Patent, and in further view of Gerace, US Patent 5848396.

As in Claims 10, 18 and 30, Kim teaches a mobile networking system that edits and sends data from the provider application according to ' user-updateable profiles, associating each data item with a generic action menu or an application specific menu as seen *supra*. While Kim teaches such a system, they fail to show the generating of a

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terminal subscriber home page according to a presentation rule to be transmitted to the web server as recited in the claims. Gerace teaches a networked system for data transmission according to user profiles similar to that of Kim. In addition, Gerace further teaches a control server (ref 79) which generates a subscriber home page according to a user's presentation rule in the profile (Figure 4a, and corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Kim and Gerace before him at the time the invention was made, to modify the mobile system taught by Kim to include the home page generation according to user defined performance rules of Gerace, in order to obtain a user-defined automatic dynamic homepage for a mobile system. One would have been motivated to make such a combination because a more personalized system for obtaining web information would have been obtained, as taught by Gerace.

As in Claims 46 and 54, Kim teaches a mobile networking system that edits and sends data from the provider application according to user-updateable profiles and associating each data item with a generic action menu or an application specific menu as seen supra. Gerace teaches a networked system for data transmission according to user profiles that generates a Home Page according to user defined presentation rules. While Kim and Gerace teach such a system for obtaining data items and generating a home page according to the user's profile and rules, they fail to show the sending of a terminal subscriber home page to the web server as recited in the claims. It would be obvious to one of ordinary skill in the art, having the teachings of Kim and Gerace before him at the time the invention was made, to transmit the Home Page to the web

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server. One would have been motivated to make such a combination in order to keep a global ' copy of the generated page if the user wished to access it from other devices on the same provider or to share the user's formatted page with other users.

Response to Arguments

Applicant's arguments filed 9/13/06 have been fully considered but they are not persuasive.

In response the applicant's arguments regarding pushing and pulling the examiner disagrees. Kim does teach that the user can access software programs, applications, etc. however that is not the embodiment relied on in the office action. The applicant states that in the present invention "pushed" data items are transmitted to the user based on a provisioning profile. This is taught by Kim as seen above and further: The external MIA can recommend restaurants in a menu to the user based on their preference in their profile (Col. 9, lines 46-55).

Furthermore, Examiner notes that while the claims recite that the "received data items comprise personalized information pushed to the subscriber", the step of pushing is never recited in any of the claims. In fact, upon further inspection, it appears that the claim teaches away from true invention of the specification. The claims appear to have pushed personalized information to the subscriber before the step of receiving data items at the server. The examiner asks that the applicant consider this interpretation when drafting their response.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

smh



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SUPERVISORY PATENT EXAMINER